

REMARKS

This Amendment, filed in reply to the Office Action dated June 15, 2006, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

As a preliminary matter, Applicant requests the Examiner to approve the drawings filed in this application.

Turning to the merits of the Office Action, claims 1-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Camera et al. (U.S. Patent No. 6,373,507). Because the rejection appears to rely on improper use of inherency, Applicant respectfully submits the following arguments in traversal of the prior art rejections.

Applicant's invention relates to transfer of images over network. Descriptions of the background and exemplary embodiment are set forth in the March 29, 2006 Amendment at pages 4-5. Applicant refers the Examiner to these descriptions.

Further to these descriptions, Applicant emphasizes that the image reading apparatus includes a buffer memory for storing image data, and sequentially stores image data in the buffer while outputting image data from the buffer. This structure allows for efficient image data transfer.

Turning to the newly cited art, Camara relates to a user interface and program interface for managing image data received from sources such as digital cameras and scanners. See Fig. 1. Camara notes that while digital cameras typically include a local memory within the apparatus, scanners do not. Col. 1, lines 44-50; col. 3, lines 13-15. Camara thus provides a computer based interface to facilitate the management of image data. The computer includes a display 48 and

computer memories 42, 44. The computer further includes a user interface 62 in the form of a menu, and a set of APIs (application program interfaces) 66. Through a software structure illustrated by Fig. 2, the API's interface with higher level applications. A device driver 74 is loaded for an imaging device connected to a computer. An image device manager object 76 initializes and selects an image device and creates the device interface to determine device status. Col. 3, line 66 to col. 4, line 7. The scanning menu includes a “scan/open” command to allow progressive display of an image during scan. Col. 5, lines 54-61. However, the hardware architecture that permits this to occur is not disclosed. At the software level, it is noted that a created device object (such as by device manager object 76) has exclusive access to any physical device before any operation is performed. Col. 8, lines 3-8.

The Examiner contends that Camara teaches each feature of independent claim 1. Applicant submits that the rejection is improper for at least the following three reasons.

First, with regard to the teaching of an image acquisition apparatus, the Examiner relies on a teaching of the scanner 24. With regard to the buffer of such image acquisition apparatus, the Examiner contends that the buffer is inherent in the scanner device. This assertion of inherency by the Examiner contradicts the teachings of Camara which states that scanning devices do not include any local memory. See col. 1, lines 44-50 and col. 3, lines 13-15. Rather than the inclusion of the buffer, the progressive display of scanned data in Camara can result from simple transfer of the scanned data through the network to a display, or can alternatively result from storage of image data in the computer memories and not the imaging apparatus. Because several alternative structures can be employed to effectuate the progressive display of scanned data, the Examiner's inherency position cannot support the rejection.

Second, the Examiner's reliance on col. 5 and col. 16 of Camara to teach the buffer appears logically disjointed and thus cannot support the anticipation rejection based on inherency. With regard to col. 5, the operational aspects of display of the progressive scan can be carried out without a buffer in the image acquisition device (scanner) for the reasons discussed above. With regard to col. 16, this description relates to a device objects relationship with an upper level application program (e.g. the relation of objects 74, 76 with the higher level application layer 80). The discussion at col. 16 can relate to any number of operations and thus does not necessitate reading of data into a buffer and read out of data to a buffer of the image acquisition apparatus as the Examiner appears to suggest.

Third, the operations of the remaining imaging objects also do not teach the feature of the buffer memory of the image reading apparatus as claimed.

In view of the foregoing, independent claim 1 is patentable. Claim 5 is patentable for analogous, though not necessarily coextensive reasons. The remaining claims are patentable based on their dependency.

Applicant adds claims 9-12 to describe features of the invention more particularly.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/989,161

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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